

1 Honorable John H. Chun
2
3
4
5
6
7
8
9

10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
13
14

15 STUART REGES,
16
17 Plaintiff,
18
19 v.
20

21 ANA MARI CAUCE, in her official capacity
22 as President of the University of Washington;
23 MAGDALENA BALAZINSKA, in her
24 official and individual capacities as Director
25 of the Paul G. Allen School of Computer
26 Science & Engineering; DAN GROSSMAN,
27 in his official and individual capacities as
28 Vice Director of the Paul G. Allen School of
Computer Science & Engineering; and
NANCY ALLBRITTON, in her official and
individual capacities as Dean of the College of
Engineering,

Defendants.

Case No. 2:22-cv-00964-JHC

**DECLARATION OF MAGDALENA
BALAZINSKA RE: DEFENDANTS'
MOTION TO DISMISS**

Noted for Hearing: December 2, 2022

I, Magdalena Balazinska, declare as follows:

1. I am the Director of the Paul G. Allen School of Computer Science and Engineering at the University of Washington and one of the named Defendants in the above-captioned matter. I am over the age of 18 and competent to testify to the facts below.

2. Attached as **Exhibit 1** is a copy of the January 4, 2022 email I sent to Professor Reges (without attachment), which is referenced in Stuart Reges's Complaint.

3. Attached as **Exhibit 2** is a copy of the July 11, 2022 letter from Dean Nancy Albritton of the University's College of Engineering to Professors Louisa Mackenzie, Steve Muench, and Erick Schnapper, on which I was copied, which is referenced in Stuart Reges's Complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Executed October 31, 2022, at Seattle, Washington.

150

Magdalena Balazinska

EXHIBIT 1

From: Magdalena Balazinska <magda@cs.washington.edu>
Sent: Tuesday, January 4, 2022 3:41 PM
To: Stuart Reges
Cc: karentb; DANIEL M. RATNER; Philip J. Reid
Subject: Land acknowledgment statement in your course syllabus
Attachments: CSE143-syllabus-Winter2022.pdf

Hi Stuart,

I ask that you remove the "land acknowledgment" statement from your course syllabus immediately. It is offensive and it creates a toxic environment in your course, which is a required course in our major.

You are welcome to voice your opinion and opposition to land acknowledgments, as you have, in other settings. The current statement in your course syllabus is inappropriate and must be removed.

For context, I'm attaching the course syllabus that I just downloaded from your course website.

regards,

magda

EXHIBIT 2



July 11, 2022

Associate Professor Louisa Mackenzie, Department of French and Italian Studies
 Professor Steve Muench, Department of Civil and Environmental Engineering
 Professor Eric Schnapper, School of Law

Dear Professors Mackenzie, Muench and Schnapper,

Thank you for agreeing to serve on a special investigating committee regarding Teaching Professor Stuart Reges of the Allen School of Computer Science and Engineering in the College of Engineering. Because meetings held in accordance with Faculty Code Sections 25-71.B and 25-71.D have failed to result in a mutually agreeable resolution, I am initiating Faculty Code Section 25-71.D.3. Pursuant to that section, “the dean shall appoint a special investigating committee of three faculty members who are not directly involved in the matter being considered. The committee shall assist the dean in the informal and confidential gathering of information and documentation and shall advise the dean in its interpretation.” A copy of Faculty Code Section 25-71 is enclosed for your reference. Each of you has indicated that you are not directly involved in the matter being considered. Therefore, I hereby appoint you to this committee pursuant to Faculty Code Section 25-71.D.3.

Background

The allegations, concern Teaching Professor Reges’ conduct in course instruction and in email communications using university resources which may be a violation of University policies.

Specifically, the allegations are:

- Unwelcome and unsolicited language or conduct that is of a personal/non-technical nature and that is sufficiently severe, persistent, and pervasive that it could reasonably be expected to create an intimidating, hostile, or offensive working or learning environment, or has the purpose or effect of unreasonably interfering with an individual's academic or work performance. Examples include, but are not limited to, the following.
 - In his Winter 2021 CSE 143 syllabus, Reges listed an “Indigenous Land Acknowledgement” as: “I acknowledge that by the labor theory of property the Coast Salish people can claim historical ownership of almost none of the land currently occupied by the University of Washington.” After multiple students complained to Allen School leadership that this content was offensive, Reges refused to remove it even though it was a disruption to his class and unrelated to the course’s learning objectives. The Allen School Director removed the content to avoid further disruption, so there was no need for further resolution. However, Reges indicated in at least two different emails to mailing lists that include the Allen School Director and many others that he intended to include this statement again in his Spring 2022 course syllabus. This has prompted new complaints and expressions of concern from Allen School community members, and threatens to again cause a disruption to the delivery of course material to our students.
 - During the week of February 21, 2022, multiple reports to the university bias-reporting tool alleged discrimination and harassment related to an email Reges sent

through the “diversity-allies” listserv regarding the land acknowledgment statement for his course syllabi. His comments have been deemed, by multiple Allen School community members, as offensive and creating an intimidating and hostile work environment and/or learning environment, as noted below from their reports:

- “Stuart Reges posted an article on diversity-allies about anti-indigenous ‘land acknowledgements’. This vandalizes the diversity-allies space by running counter to its stated objectives, and amounts to an attack that harasses Indigenous individuals, including students, staff, and faculty and runs counter to the Allen School’s DEI goals.”
- “Stuart Reges sent an article on an Allen School mailing list, describing plans to write an anti-Indigenous land acknowledgement into his Spring quarter syllabus paper handout. This goes against the Allen School’s commitment to “create an inclusive environment for people of all backgrounds”, Article 20 of the Academic Student Employee contract, and the requirement that UW be ‘an environment that fosters respect for all members of the University community’.”
- “Mr. Reges’ Land Acknowledgement Statement is reasonably attributable to the university as it is being forced on students in a required course taught by a faculty member that we are paying to teach there. If Mr. Reges is allowed to continue to teach, and to distribute his land acknowledgement statement in a paper form where students will be required to see it, the university is supporting his beliefs and agreeing that they belong in an introductory computer science course.”
- On February 25, 2022, the Allen School Director received a communication from the elected UAW 4121 reps, representing Allen School academic student employees, both graduate and undergraduate. They have expressed to her directly that Mr. Reges’ actions throughout Winter quarter 2021 promoted an un-inclusive workplace environment. They argue that his conduct violates “[Article 20: Non-Discrimination and Harassment](#)” of their collective bargaining agreement with the University of Washington, as quoted below:

“The Employer and the Union agree that all employees should work in an environment that fosters mutual respect and professionalism. The parties agree that all employees should be free from everyday exchanges—including words and actions—that denigrate or exclude individuals based on their membership in a group or class[...] Inappropriate workplace behavior by ASEs, Faculty, supervisors and/or managers will not be tolerated.”

The union also reports that: “We have heard from TAs who no longer feel comfortable mentioning their own views on topics related to land acknowledgements and DEI, for fear of retaliation from Stuart Reges. We have heard from other ASEs whose feelings of belonging in the Allen School have been negatively impacted by the fact that Stuart Reges’ behavior has been allowed to continue.”

Teaching Professor Reges has expressed that he believes that the allegations concern protected speech.

Committee Charge

Pursuant to Faculty Code Section 25-71.D.3, I ask that you, as the special investigating committee, assist me in the informational and confidential gathering of information and documentation and advise me in its interpretation.

The allegations, if true, may constitute a violation of Faculty Code Sections 24-33 and 25-71A and UW's policy on providing a safe workplace. The possibility of an unwelcome, hostile or offensive academic environment may also arise if the faculty member fails to separate clearly personal interests from his or her professional decision-making.

As you conduct your review, please consider whether any of the above-referenced policies, or any other relevant policies of the University or the Allen School, may have been violated.

Please review the documents provided related to this case and the relevant sections of Faculty Code Section 25-71. If the Committee determines that it needs additional information and/or determination from others, it should gather these additional materials and/or schedule any witness interviews it deems necessary.

Magda Balazinska, Allen School Director, would be available to answer any questions you might have regarding this complaint. She can be reached at magda@cs.washington.edu.

I would appreciate it if you would be able to complete your investigation by August 16, 2022. Once you have completed your investigation, please schedule a meeting with me to discuss the results of your work and your interpretation.

Please treat this matter as strictly confidential and remind those from whom you gather information to treat this matter confidentially. I have asked Ms. Aileen Trilles, CoE HR Senior Director, to be available to you for consultation regarding any process questions you may have. Ms. Trilles can be reached at avt@uw.edu or via Teams.

Thank you for your assistance in this matter.

Sincerely,



Nancy Allbritton
Frank & Julie Jungers Dean of Engineering

Attachment:

1. Bias Incident Report
2. 25-71 Notification
3. 25-71 Resolution Agreement
4. Native faculty and staff statement (Email)

Cc: Magda Balazinska, Director, Allen School of Computer Science and Engineering
Aileen Trilles, Senior Director of Human Resources, College of Engineering
Jihui Yang, Vice Dean